

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SIR JONZ CATER,

Plaintiff,

v.

KING COUNTY, et al.,

Defendants.

Case No. C10-1259-RAJ-BAT

**ORDER DENYING
PLAINTIFF'S MOTION TO
STRIKE DEFENDANTS'
DISMISSAL MOTION**

On April 22, 2011, the Court entered a Report and Recommendation recommending defendants' motion (Dkt. 25) to dismiss Hikari Tamura and David Fleming be granted. Dkt. 30. Later that day, the Court received plaintiff's request that defendants' dismissal motion be stricken on the grounds that (1) it is premature, (2) defendants were personally involved in the acts complained of, and (3) plaintiff did not have enough time to respond to the motion. Dkt. 31.

The motion is **DENIED**. The case has been pending since August 2010 and no legal barrier prevented defendants from filing a motion for summary judgment in March 2011. Plaintiff claims he needs more time to respond but did not timely request additional time. And finally, plaintiff argues defendants personally because of their "official involvement in the day-to-day operations" of the jail. But other than making conclusory statements, he presents no facts which are based on personal knowledge and admissible in evidence to oppose the declarations of

1 defendants Tamura and Fleming. *See* Fed. R. Civ. P. 56(c)(4).

2 Plaintiff may, of course, file objections to the Court's Report and Recommendation
3 recommending defendants' motion to dismiss be granted, or request other relief. Objections and
4 requests for other relief must be presented to the Honorable Richard A. Jones no later than **May**
5 **13, 2011**. The Clerk is directed to send copies of this Order to plaintiff and to the Honorable
6 Richard A. Jones.

7 DATED this 25th day of April, 2011.

8
9 s/ Brian A. Tsuchida
United States Magistrate Judge